

*City of San José*  
***Coyote Valley Specific Plan***

---

**Summary of Task Force Meeting**  
**February 12, 2007**  
**City Hall, Committee Rooms W118-120**

**Task Force Members Present**

Co-Chair Councilmember Forrest Williams, Co-Chair Councilmember Nancy Pyle, Chuck Butters, Eric Carruthers, Helen Chapman, Pat Dando, Russ Danielson, Craige Edgerton, Supervisor Don Gage, Dan Hancock, Melissa Hippard, Doreen Morgan, and Ken Saso.

**Task Force Members Absent**

Gladwyn D'Souza, Phaedra Ellis-Lamkins, Chris Platten, Steve Schott, Jr., Steve Speno, and Neil Struthers.

**Technical Advisory Committee (TAC) Members Present**

Michele Beasley (Greenbelt Alliance), Shanna Boigon (Santa Clara County Association of Realtors), Mike Griffis (Santa Clara County Roads), and Brian Schmidt (Committee for Green Foothills).

**City and Other Public Agencies Staff Present**

Anthony Drummond (Council District 2), Lee Wilcox (Council District 10), Colleen Valles (Office of Supervisor Don Gage), Laurel Prevetti (PBCE), Darryl Boyd (PBCE), Stan Ketchum (PBCE), Susan Walsh (PBCE), Jared Hart (PBCE), Perihan Ozdemir (PBCE), and Regina Mancera (PBCE).

**Consultants Present**

Doug Dahlin (Dahlin Group), Jodi Starbird (David J. Powers), and Bill Wagner (HMH Engineers).

**Community Members Present** (Additional people were present; however, the names below only reflect individuals who identified themselves on the sign-up sheet.)

Dan Arellano, Nita Barve, Julie Ceballos, Jill Costa, Roger Costa, Todd Costa, Sean Cottle, Frank Crane, Glenn Calloway, Mini Damodaran, Robert Eltgrogh, Leila Forouhi, Paul Hebert, James Hill, Corri Jimenez, Jack Kuzia, Lee Yoon, Rick Linquist, Joanne McFarlin, Mark Anthony Medeiros, George Reilly, Peter Rothschild, Jim Rendler, Elish Ryan, Annie Saso, Christine Schell, Miguel Silva, and David Tymn.

## **1. Welcome**

The meeting convened at approximately 5:30 p.m. with Co-Chair Councilmember Nancy Pyle welcoming everyone to the Coyote Valley Specific Plan (CVSP) Task Force meeting.

## **2. Acceptance of January 11, 2007 Community Meeting Summary**

Co-chair Councilmember Forrest Williams called for a motion to accept the January 11, 2007 community meeting summary. The motion passed unanimously.

## **3. Acceptance of the January 22, 2007 Task Force Meeting Summary**

Co-chair Councilmember Nancy Pyle called for a motion to accept the January 22, 2007 Task Force meeting summary. The motion passed unanimously.

## **4. Discussion on How to Read and Comment on an EIR**

Darryl Boyd, Principal Planner with the Department of Planning, Building and Code Enforcement, gave an overview on how to read and comment on a Draft Environmental Impact Report (EIR). The information is not specific to the CVSP EIR, and most of the information is from the California Environmental Quality Act (CEQA) guidelines.

Darryl identified the purpose of an EIR, the EIR process, contents of an EIR, and how to read, use and comment on an EIR. Questions were taken from the Task Force and the public after each section.

### **a. Purpose of an EIR**

The Task Force provided the following questions and comments (Please note that comments are shown first, followed by responses in italics):

- Does the term “substantially reduce” have the same meaning as the term “less than significant”? *Darryl indicated it could be either. Sometimes impacts cannot be reduced to a less than significant level. Impacts can be reduced, but still considered a significant impact.*

- Is there a technical perfection that the EIR must meet? *Darryl indicated that CEQA does not require the EIR to meet technical perfection.*
- What are the City's thresholds? *Darryl indicated the City has technical experts and attorneys who keep up on court cases and techniques and advise us on thresholds. The City uses similar thresholds that most other cities use.*
- The City must be diligent to avoid spending additional time in litigation. *Darryl indicated that the CEQA is a topic and area that is very dynamic. For example, there was a recent court case on water supply analysis that the City is studying.*

The public provided the following questions and comments (Please note that comments are shown first, followed by responses in italics):

- Joanne McFarlin, a student at De Anza Community College, indicated that California is a "hot spot" for biodiversity. "Hot spots" are areas of high biodiversity. The Habitat Conservation Plan (HCP) and Comprehensive Conservation Plan (CCP) are important to help protect wildlife.

b. Typical City's EIR Process and Expected CVSP Draft EIR Process

(Please note that comments are shown first, followed by responses in italics):

- How is a "significant comment" defined? *Darryl indicated that CEQA allows the City discretion in determining which comments are pertinent, substantive and thoughtful; the City is not required to respond to every minor comment.*
- Can the process be appealed by anyone? *Darryl indicated anyone can appeal within five business days and they need to include reasons for appeal.*
- If there are no appeals, is the EIR certification complete? *Yes, it would be certified by the Planning Commission.*
- Would the adoption of the CVSP, form based zoning, and EIR certification go together? *Yes, that is the current thinking.*
- Would the City's General Plan update affect the adoption of the CVSP? *There is City Council direction to proceed with the CVSP. We have not received any other direction at this time.*
- Would the adoption of the Specific Plan and EIR be in November/December 2007? *Yes, the CVSP and all of its elements are expected to be presented for consideration in winter 2007.*
- This project will be implemented by the private sector. There would be many developers and property owners.
- CVSP would be "green" and address global warming, which is a nationwide concern.
- CVSP would follow the City of San Jose's Green Building policies.

The public provided the following questions and comments (Please note that comments are shown first, followed by responses in italics):

- Nita Barve, a student at De Anza College, asked when the City Council would approve or reject the overriding considerations. *Darryl indicated that the City Council would be*

*required to adopt overriding considerations if they approve the project.*

- Leila Forouhi, a student at San Jose State University, asked if there would be Green Building developers. *Darryl responded in the affirmative, indicating that the CVSP addresses green building and sustainability, and requires the use of green building principles.*

c. Contents of an EIR

The Task Force provided the following questions and comments (Please note that comments are shown first, followed by responses in italics):

- How does an insignificant impact become significant? *Darryl indicated that there are standard thresholds of significance that the City uses.*
- At what point would the public have a chance to convince decision-makers that an impact is significant? *Darryl indicated there will be a public comment period and the public will be able to submit written comments.*
- Would additional EIRs be required to implement the project? *Darryl indicated it depends on the level of detail in the EIR. There are program-level EIRs and project-level EIRs. Program-level EIRs are more at the policy level (e.g the General Plan level), and project-level EIRs are very detailed (at the construction level). Program-level EIRs require subsequent environmental review. CVSP is part program and part project level EIR.*
- How long is an EIR valid for? *Darryl indicated an EIR is valid as long as the information is accurate.*
- What does the term “cumulative” mean? *Darryl indicated it is impacts associated with this project, in addition to all other reasonably foreseeable projects in the City and surrounding areas.*
- Would there be negative declarations for future projects? *Yes.*
- Who is paying for the EIR? *Darryl indicated property owners are paying for the EIR and the City of San Jose is managing the preparation of the EIR.. Subsequent EIRs could be paid by property owners, individual groups, or agencies.*
- How valid are land use designations and for how long? *Darryl indicated that the land use designations would be valid for the term of the General Plan which is currently 2020, or changed by request. Changes to land use designations may be applied for and are required to go through the City’s General Plan Amendment review process.*
- Would subsequent environmental review be required even though the EIR is approved? *Darryl indicated that future environmental review at the project level may be required in some cases based on the issues and information available at that time on a property by property, case by case basis.*
- Would the Specific Plan land use designations change? *Darryl indicated the land use designations would not change without going through the General Plan Amendment process.*

d. How to Read, Use and Comment on an EIR

The Task Force provided the following questions and comments (Please note that comments are shown first, followed by responses in italics):

- The thinking for the specific p Plan is big so the impacts are big, and environmental impacts will be big.
- Cumulative impacts might not be considered if the project were divided into smaller individual projects.
- Mitigation measures should be big as well.

## **5. Public Comments**

The public provided the following questions and comments (Please note that comments are shown first, followed by responses in italics):

- Brian Schmidt, representing the Committee for Green Foothills, indicated that the responsible agency has the legal obligation to apply for “feasible” mitigation to reduce significant impacts. He added that the cumulative impacts should include information on climate change. Recirculation of an EIR is cheaper than litigation.
- Mark Anthony Medeiros, a student at San Jose State University, questioned the term “significant impact.” What are the expected thresholds? Concerned with the displacement of animals.
- Leila Forouhi, a student at San Jose State University, asked for specific examples of mitigation measures. *Darryl indicated mitigation measures are based on the level of information available. He provided the example of traffic mitigation, which could include additional travel lanes, re-striping, new signals warranted, etc. A bio-swale for water quality control is another example of a mitigation measure.*

## **6. Adjourn**

Co-chair Councilmembers Forrest Williams thanked everyone for coming and complimented the staff on their hard work. The EIR will be released in March.

Co-Chair Councilmember Williams adjourned the meeting at approximately 7:05 p.m.

The next Task Force meeting will take place on March 12, 2007.